

Section 4.39 Variation Request

*230 Martin Road, Badgerys
Creek*

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Christophe Charkos
Associate Director	Travis Lythall
Senior Consultant	Michael Beale
Consultant	Taylah Brito
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We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River
Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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Contents

Acknowledgement of Country

1	Introduction	1
2	Site Context	2
2.1	Locality Context	3
3	Proposed Development	4
4	Assessment of Clause 4.39 Variation	8
5	Conclusion	9
	Disclaimer	10

Figures

Figure 1 Local Context.....	2
Figure 2 Regional Context.....	3
Figure 3 Proposed Site Plan	4

Tables

Table 1 Development Summary	4
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1 Introduction

This Clause 4.39 Variation Request ('the Request') has been prepared on behalf of EMKC³ ('the applicant') and accompanies a State Significant Development Application ('SSDA') for SSD 65529236 and is located at 230 Martin Road, Badgerys Creek (the Site).

The Request seeks variation(s) to the Western Sydney Aerotropolis Precinct Plan (Precinct Plan). The variation request is made pursuant to Clause 4.39 of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Precincts SEPP) which requires a written request from the applicant to justify an inconsistency.

This request should be read in conjunction with the detailed Environmental Impact Statement (EIS) which accompanies this application.

A detailed assessment against the Precinct Plan has been undertaken within the EIS and in the compliance table at **Appendix C** of the EIS. The proposed development is broadly consistent with the objectives and requirements of the Precinct Plan. Minor variances are proposed in relation to the Precinct Plan and are outlined in Section 4 of this variation request.

The following sections of the request include:

- **Section 2:** description of the site and its local and regional context, including key features relevant to the proposed variation
- **Section 3:** brief overview of the proposed development as outlined in further detail within the EIS and accompanying drawings
- **Section 4:** summary assessment table
- **Section 5:** Conclusion

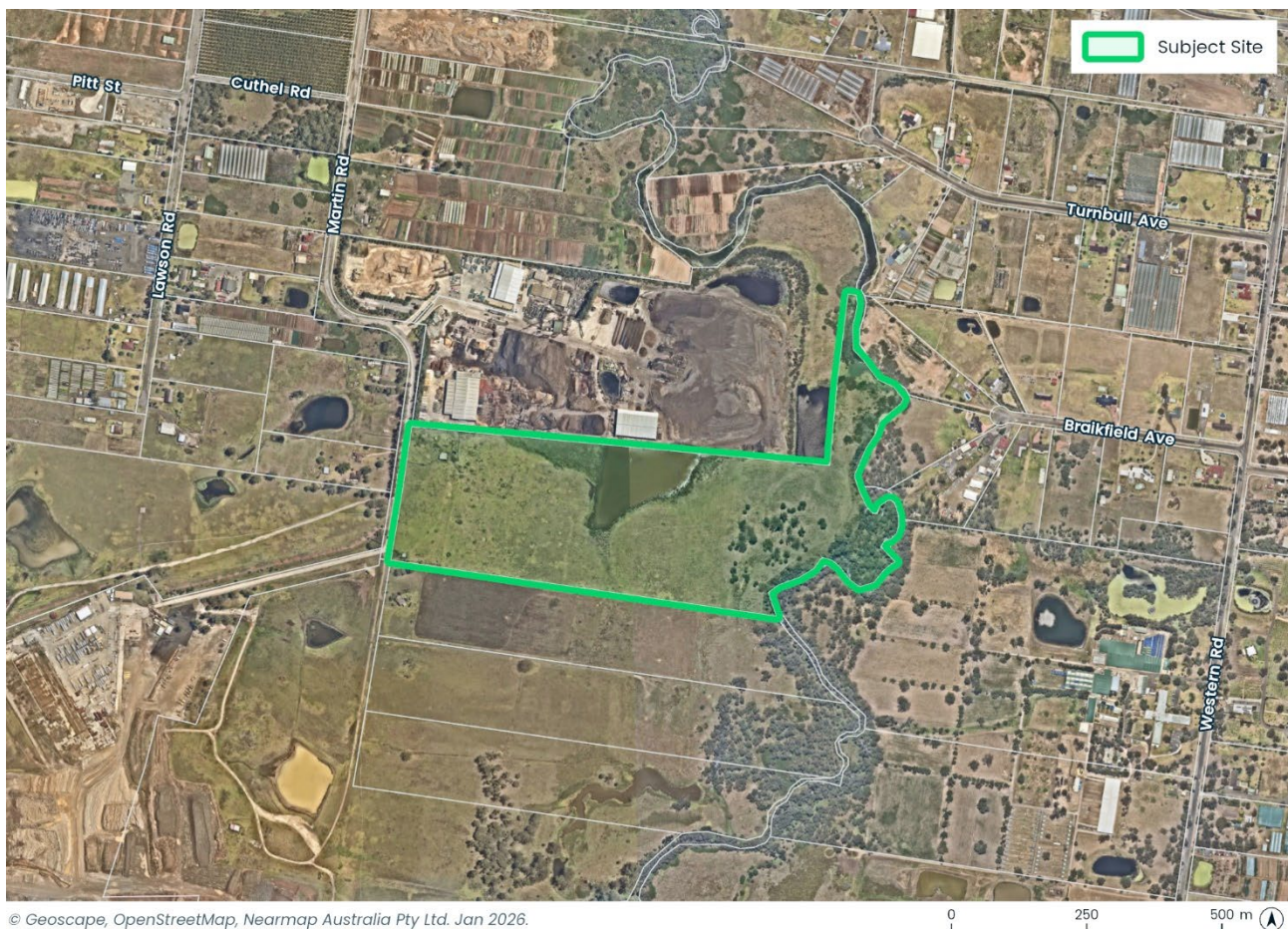
2 Site Context

The site is located at 230 Martin Road, Badgerys Creek within the Liverpool Local Government Area (LGA). The Site is legally described as Lot A in Deposited Plan 406215. The key features of the site are summarised below:

- The site has an area of approximately 24.28ha. It is irregular in shape.
- The surrounding locality is described below:
 - **North:** The adjacent site is operated by Australian Native Landscapes (ANL), a landscaping, agricultural and gardening supplier. It includes several 'warehouse' buildings. Aerial imagery shows large stockpiles on the site. Further north, the area is characterised by agricultural landholdings and some dwellings.
 - **East:** The Wianamatta South Creek waterway runs north to south along the sites eastern boundary and is Crown Land. An agricultural research station and cemetery is located beyond on its eastern bank.
 - **South:** The adjacent land currently comprises agricultural farm holdings, with South Creek beyond.
 - **West:** A large brick manufacturing facility operated by CSR (comprising several structures and existing dams) is located to the southwest of the site on the opposite side of Martin Road.

An Aerial photo illustrating the site context is provided at **Figure 1**.

Figure 1 Local Context



Source: Urbis (2026)

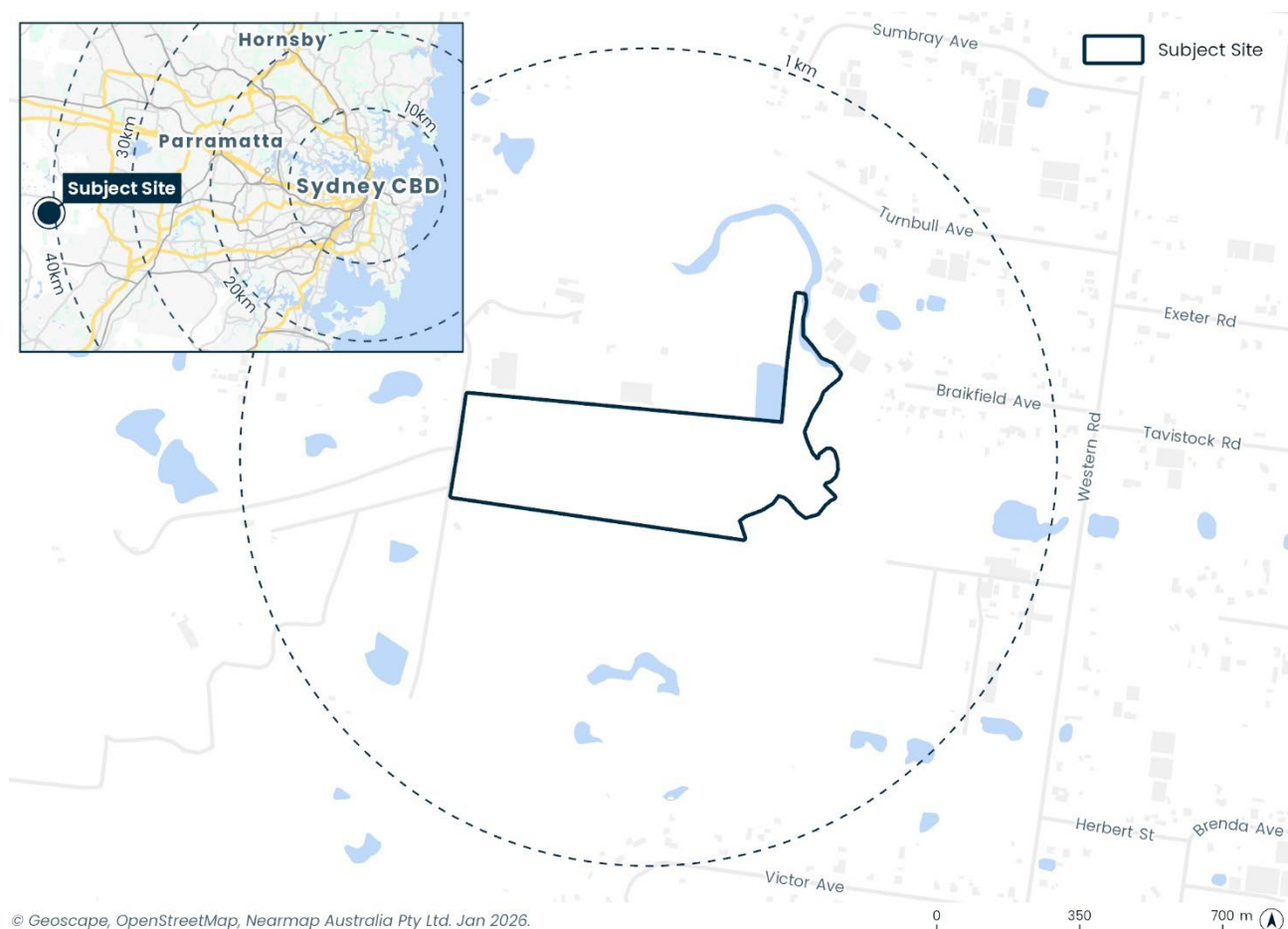
2.1 Locality Context

The Site is located within the Badgerys Creek Precinct, within the Western Sydney Aerotropolis and is a short distance east of the Western Sydney International Airport (WSI), which is currently under construction and is expected to be completed and operational in 2026. The regional context is shown below in **Figure 2**. The site is characterised as agricultural land with an existing farm dam and associated structures. The Wianamatta South Creek vegetated riparian corridor runs along the eastern boundary.

The site is located a short distance south of Elizabeth Drive (which is to be upgraded and provides direct access to the A9 to the west and M7 to the east) and southwest of the new M12 Motorway (currently under construction). As part of the proposed upgrade works, an additional two traffic lanes will be provided along Elizabeth Drive and the intersection with Martin Road will become signalised. Realignment, widening and land reconfiguration are proposed along the Martin Road approach to the intersection, including future upgrades anticipated to be undertaken to Martin Road in the future by way of widening.

The WSAP and Precinct Plan envisage that the Eastern Ring Road will be constructed to the west of the site and provide connections to Martin Road. The Eastern Ring Road will prove a regional movement function and is anticipated to be a primary freight route within the Aerotropolis.

Figure 2 Regional Context



Source: Urbis (2026)

3 Proposed Development

This Clause 4.39 Variation Request has been prepared to accompany a SSDA for site preparation works and the construction of two warehouse and distribution centres with ancillary office and manufacturing (Warehouse 1 only). A detailed description of the proposed development is provided in the EIS. The proposal is detailed within the architectural, engineering and landscape drawings that form part of the SSDA.

A summary of the key features of the proposed development is provided below and is illustrated in **Figure 1**.

Figure 3 Proposed Site Plan



Source: EMKC3

Table 1 Development Summary

Component	Details
Project Area	The site has a total area of 24.28 ha. Approximately 81,021 m ² will be affected by the project (excluding the potential park edge street which separates ENT land from ENZ).
Proposed Use	<u>Lot 1</u> Large format warehouse with ancillary office and manufacturing (including steel cutting) <u>Lot 2</u> Large format warehouse with ancillary office

Component	Details
Project Description	The project comprises: ▪ Bulk earthworks and site preparation works ▪ Utility services and stormwater infrastructure (interim and ultimate scenarios) (excluding the Regional Stormwater Infrastructure basin) ▪ Subdivision of the existing allotment into three (3) new allotments ▪ Construction and operational use of two warehouse and distribution centres with ancillary office and manufacturing (Warehouse 1 only). Approval is sought for the fit-out of Warehouse 1. ▪ Landscaping ▪ Site Access
Subdivision	▪ Proposed Lot 1: 4.19 ha ▪ Proposed Lot 2: 9.1ha ▪ Proposed Lot 3: 10.52 ha
Warehouse 1 (Lot 1)	▪ Gross Floor Area (GFA): – Warehouse and distribution centre – 16,465m² – Ancillary office – 600m² – Amenities block – 37m² – Total – 17,102m² ▪ Maximum Building Height = 12.95m ▪ 24 loading docks ▪ Access: – Truck entry driveway in the northwest corner of the site – Combined car park entry / exit located to the south of the truck entry – Truck exit driveway located in southwest corner of Lot 1
Warehouse 2 (Lot 2)	▪ GFA: – Warehouse and distribution centre – 18,564m² – Ancillary office building 2A – 600m² – Ancillary office building 2B – 504m² – Total – 19,668m² ▪ Maximum Building Height = 12.65m ▪ 18 loading docks ▪ Access: – Combined car park entry / exit driveway located opposite Office 2A – Truck entry / exit driveway located to the north of the car park entry / exit
Car Parking	<u>Lot 1</u> 87 spaces

Component	Details
	<u>Lot 2</u> 123 spaces
Landscaping	<u>Lot 1</u> 4,169m² <u>Lot 2</u> 3,589m²
Earthworks	Bulk cut and fill will be required to achieve flat pads for industrial development; access to the site from Martin Road; and flood immunity. The proposed surface grading will follow the existing site topography.
Infrastructure Upgrades	<u>Interim:</u> ▪ The proposal includes provision for on-site stormwater detention that can appropriately service the site from a stormwater management perspective, until such a time as the regional stormwater basin is delivered by Sydney Water. ▪ Noting the low traffic generation proposed, the proposal will be able to utilise Martin Road in its existing state until such a time as the future Eastern Ring Road is delivered by TfNSW. Note: the proposal includes provision to investigate potential pavement upgrades to the commencement of the Eastern Ring Road corridor as an interim scenario. ▪ The proposal includes provision to upgrade the frontage of the site to future-proof the site for when Martin Road is delivered as a Collector Road in accordance with the Precinct Plan and Aerotropolis Contributions Plan. ▪ The proposal accommodates the possible future provision of a corridor for the future Park Edge Road – which is not a contributions road and will be delivered by the relevant roads authority (Council) subject to separate planning approval processes. Connections to the Park Edge Road will be provided by the future Riparian Street (contributions road) which is located in the property directly north providing a permeable and accessible solution to the future Park Edge Road. The subject proposal does not propose the dedication of land carrying out of works for the future Park Edge Road. <u>Ultimate:</u> ▪ The proposal will provide connection to the future regional stormwater basin once constructed. ▪ The proposal will utilise the future Collector Road and Eastern Ring Road once delivered.
Employment opportunities	Construction: 59 FTE jobs Operational: 108 FTE jobs
Expected Development Cost	\$108,866,194 (excluding GST)

Component	Details
Staging/Phasing	The proposal will be constructed over a single construction phase. Note: staged construction certificates would be issued; however, the proposal does not constitute staged development pursuant to the Act.

4 Assessment of Clause 4.39 Variation

The following summary assessment should be read in conjunction with the Precinct Plan compliance table at **Appendix C** of this variation request.

Clause	Parameter(s)	Proposed Alternate Solution	Is the inconsistency Minor?	Is consistency unreasonable or unnecessary?	Are there sufficient environmental planning grounds?	Consistent with strategic vision and objectives?
3.2	Development Sequencing DS5 – Road Network to be consistent with Street Hierarchy Map (Figure 10).	Removal of the east-west local road which bisects the site is necessary to achieve a functional site layout which maximises the site.	Yes Road layout and typology remains generally consistent with Precinct Plan. Access to the future park edge road will still be able to be achieved via the future Riparian Street earmarked to run east-west on the site directly north of the subject site.	Yes - The roads shown on the Precinct Plan are indicative only. - Exclusion of the local street is warranted to enable the positioning of warehouses to fully optimise the site. - The local roads are not contributions roads and permeability to other future roads will not be impeded by the concession sought.	Yes The variation ensures the efficient circulation and movement of heavy vehicles on-site can be achieved; and, provides for a functional site layout to support future site operations. Further, the introduction of a local road through the site would serve no other benefit than providing access to the future park edge road corridor, for which the built form proposed can be designed with the levels along the Martin Road frontage to provide a highly functional warehousing and ancillary hardstand the optimises the ENT zone / developable area to its full advantage.	Yes The development remains consistent with the strategic vision for the Badgerys Creek Precinct.
4.1	Proposed Land Use and Structure Plan LU2					
4.6	Street Hierarchy and Typology SH2 – SH3 Local and Collector streets design					

5 Conclusion

For the reasons set out in this written request, consistency with the Precinct Plan as outlined within this report is considered unreasonable and unnecessary in the circumstances of the proposed development. Further, there are sufficient environmental planning grounds to justify the proposed variation as it is minor and will result in a development that remains consistent with the strategic vision and objectives for the Badgerys Creek Precinct.

The variation reflects consideration of neighbouring development and ongoing discussions with key agencies regarding infrastructure alignment. It will continue to deliver upon the strategic vision for the precinct and the broader regional purpose and outcome.

It is reasonable and appropriate to vary the Precinct Plan to the extent proposed within the SSDA on merit for the reasons summarised within this request and justified in detail within the EIS and appendices.

This Clause 4.39 Variation Request is well-founded and the alternate solutions to the Precinct Plan do not derogate from the Aims for the Aerotropolis set out in Chapter 4 of the WCP SEPP and the Precinct Vision and Objectives within the Precinct Plan. In the circumstances of this case, flexibility in the application of the Precinct Plan should be applied.

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